



REMARKS

Applicants gratefully acknowledge the Examiner's comments and recommendations provided during the phone interview conducted on May 27, 2004. Applicants provide the following amendments to place the remaining rejected claims in condition for immediate allowance.

In response to the Examiner's rejection of claims 7 and 15 under 35 U.S.C. § 112 for failure to further limit the independent claims for which they depend, Applicants have canceled claims 7 and 15.

In response to the rejection of claims 22-31 under 35 U.S.C. § 112, Applicants have amended claims 22 and 28 to remove the descriptive term "secondary" from said claims.

As was discussed by phone interview with the Examiner with respect to the rejection of claims 17-20 under 28 U.S.C. § 103, Applicants believe that this rejection stands improper. Although Bebinger teaches the formation of a water baffle to reduce noise, it would not have been obvious to one of skill in the art to form such a water baffle using a separate water inlet as is claimed in the present application. Although the other cited references (Riley, Stiggins, Gordon) teach the use of a water inlet for flushing purposes, none of these references suggest nor would one skilled in the art have been motivated to use such water inlets for noise reduction purposes. As such, the methods described in claims 17-20 would not have been merely a design choice as previously stated by the Examiner. Applicant gratefully acknowledges Examiner's statements made during the phone interview of May 27, 2004 that this argument is sufficient and that no further amendment is needed to gain allowance of claims 17-20.

As was discussed in the phone interview with the Examiner with respect to the rejection of claims 1-7 and 9-15 under 28 U.S.C. § 102(b), Applicants also believe that this rejection stands improper. Independent claims 1 and 9 have been amended to more clearly emphasize the

patentable features of the water inlet nozzle, specifically a “nozzle capable of forming a water baffle that extends substantially across the inlet portion in a generally horizontal plane.” This amendment is supported in the application by Figure 5, which clearly shows an embodiment of the present invention having nozzle 164 designed to create a horizontal water baffle extending substantially across the disposer inlet. *See also* Application, at page 7, ll. 7-14 (discussing this embodiment and Figure 5 in more detail). This is juxtaposed against Figure 6, which shows an embodiment of the present invention utilizing secondary baffle 266, in which water injection inlet 262 does not utilize a specially designed nozzle since the water baffle is to be formed using the secondary baffle. *See also* Application, at page 7, ll. 15-28 (discussing this embodiment and Figure 6 in more detail).

It is Applicants’ position that the Stiggins, Riley, and Gordon references do not disclose a “nozzle capable of forming a water baffle that extends substantially across the inlet portion in a generally horizontal plane” as is now reflected in the present claims 1 and 9 as amended. In particular:

- Stiggins merely teaches a dual purpose nozzle for diverting water to the grinding section without turning on the sink’s spigot. *See* col. 3, ll. 19-21, 40-41. Furthermore, the figures are merely simple flow diagrams with no detail showing a nozzle capable of creating a horizontal water baffle. As such, Stiggins does not anticipate this key limitation of claims 1 and 9 and therefore does not anticipate those claims.
- Riley provides a conduit that “allow[s] water to flow at a low rate through conduit 27 and into grind chamber 13.” *See* col. 3, ll. 18-19. Riley thus explicitly teaches away

from a horizontal water baffle by providing for low water flow rates into the grind chamber and therefore does not anticipate claims 1 and 9.

- Gordon provides a “conduit 46 having a plurality of downwardly directed water discharge apertures 47” such that water “passes downwardly into the main grinding chamber formed by the body 7.” *See* col. 3, ll. 60-61, 66-67. Gordon thus explicitly teaches away from creating a horizontal water baffle by providing for downward water flow and therefore does not anticipate claims 1 and 9.

* * * * *

Applicants believe that the amendments made herein have placed the present application in condition for immediate allowance. Applicants respectfully request that the Examiner reconsider the rejection of the pending claims in light of the present claim amendments and the above analysis of the prior art.

* * * * *

In order to facilitate the resolution of any questions presented by this paper, Applicants request that the Examiner directly contact the undersigned attorney by telephone at 713-787-1496 to further the discussion, reconsideration, and allowance of the claims.



Respectfully submitted,

Jeffrey J. Phillips

Reg. No. 51,125

Attorney for Applicant

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1496

Date:

5 / 28 / 04

RECEIVED

JUN 04 2004

TECHNOLOGY CENTER R3700